

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

ISHMAEL ALI EVANS

PLAINTIFF

V.

CIVIL ACTION NO. 3:23-CV-00473-MPM-RP

CARL GAILLARD, et al.

DEFENDANTS

ORDER DENYING PLAINTIFF’S MOTION FOR RECONSIDERATION

This matter comes before the Court upon the *pro se* Plaintiff’s motion for reconsideration of the Court’s order denying his motion for a preliminary injunction. Doc. # 17. In the instant action, Plaintiff complains generally of a denial of unlimited access to the jail’s law library and further that he has been denied medical care for unidentified medical ailments. *See* Doc. 1. The Court denied Plaintiff’s motion for a preliminary injunction (and temporary restraining order) as Plaintiff failed to demonstrate that a denial of injunctive relief would cause him irreparable injury and that the ordinary judicial process was sufficient to remedy any injuries he has allegedly suffered, or may allegedly suffer, as a result of Defendants’ alleged actions. *See* Doc. # 15. The Court further noted that it had not yet been determined whether there exists a justiciable basis for Plaintiff’s claims such that they should proceed forward. *See id.*

As Plaintiff’s instant motion was filed within twenty-eight (28) days from the entry of the order at issue, the Court construes the motion as a motion to alter or amend a judgment under Rule 59(e) of the Federal Rules of Civil Procedure. An order granting relief under Rule 59(e) is only appropriate when: (1) there has been an intervening change in the controlling law, (2) where the movant presents newly discovered evidence that was previously unavailable, or (3) to correct a manifest error of law or fact. *Schiller v. Physicians Res. Grp. Inc.*, 342 F.3d 563, 567 (5th Cir. 2003). Plaintiff has neither asserted nor proven any of the justifications to amend a judgment

under Fed. R. Civ. P. 59(e). Instead, Plaintiff repeats general and conclusory allegations and quotes random authority, most of which comes from other circuits. *See* Doc. # 17. Apart from that, Plaintiff has attached a timeline in which he alleges he submitted sick calls on various days, mostly due to a cough for himself, but he also mentions illnesses suffered by other inmates. *See* Doc. # 18.

In sum, Plaintiff has failed to satisfy the Rule 59(e) standard for reconsideration and the Court is otherwise unconvinced that reconsideration is warranted. Accordingly, Plaintiff's motion [17] for reconsideration of the Court's order denying his motion for a preliminary injunction is hereby **DENIED**.

SO ORDERED, this the 20th day of February, 2024.

/s/Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI